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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
3139-6184.1US (ARC 2427  
US N1 (ARO7833)

First named inventor: Kleiner et al.

Application No.: 09/976,228

Group Art Unit: 1616

Filed: October 12, 2001

Examiner: D. Stitzel

Title: RATE CONTROLLING MEMBRANES FOR CONTROLLED DRUG DELIVERY DEVICES AND  
METHODS FOR PROCESSING

Attention:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee  
 Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Amendment (identify type of reply):

- has been filed previously on \_\_\_\_\_.
- is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- has been paid previously on \_\_\_\_\_.
- is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

September 8, 2006

Date



Signature

Telephone

Number: (801) 532-1922

Edgar R. Cataxinos

Typed or printed name

P.O. Box 2550

Address

Salt Lake City, UT 84110

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other : \_\_\_\_\_

## NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EV826303385US

Date of Deposit with USPS: September 8, 2006

Person making Deposit: Brett Hooke

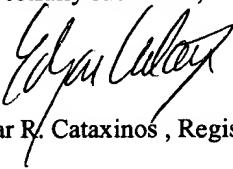
A non-final Office Action was mailed on March 2, 2006, and the reply was, accordingly, due on June 2, 2006, with the statutory response due on September 2, 2006.

It came to my attention on September 8, 2006, that a response to the March 2, 2006 Office Action had not been received or entered into the file. In review of the file, it has been determined that the non-response was unintentional on the part of the Applicants.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In view of the foregoing, it is respectfully submitted that abandonment of the above-referenced application was in no way the fault of the Applicant or the Applicant's attorney and was, therefore, unintentional. Therefore, revival of the above-referenced application at an early date is respectfully requested.

Respectfully submitted,

  
Edgar R. Cataxinos, Registration No. 39,931